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February 3, 2009

(By Hand)
Hon. Miriam Goldman Cedarbaum
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Tyree Davis, et al v. The City of New York, et al.
Index No. 07-cv-2142 (MGC)

Dear Judge Cedarbaum:

I represent the Plaintiffs in the above-referenced case. All three Plaintiffs, Tyree Davis, Elizabeth Elohim and Maxine Vesterhalt had agreed to the settlement of this case after protracted negotiations. They all signed the settlement papers. Mr Davis and Ms Elohim signed their papers first which I then forwarded to the City of New York. Ms. Vesterhalt also signed her papers but the following day called my Associate, Kathy Polias, Esq., to demand that we hold unto the settlement papers. She later stated that she had changed her mind about settling for the amount she agreed to.

I had hoped that with time she would change her mind but after numerous conversations with her over time, she has indicated to me that she does not want to go through with the Settlement and has not authorized me to forward to the City of New York, the General Release and Affidavit of No Liens which she executed and which are necessary to effectuate the settlement.

At this time, I do not know what is the next step that I should take in this case.

Respectfully submitted by: _____


Anthony C. Ofodile, Esq.

cc: Philip S. Frank, Esq.
Assistant Corporation Counsel
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